

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JESSE SANTOS,

Plaintiff,

v.

SANYO MANUFACTURING  
CORPORATION,

Defendant.

Civ. A. No. 1:12-cv-11452-RGS

**JOINT MOTION TO CONTINUE LOCAL RULE 16.1  
AND FEDERAL RULE OF CIVIL PROCEDURE 26.1(F) OBLIGATIONS**

Plaintiff Jesse Santos and Defendant SANYO Manufacturing Corporation (“SANYO”), through counsel, respectfully move the Court to continue the initial scheduling and discovery obligations required under Local Rule 16.1 and Federal Rule of Civil Procedure 26(f) until after the Court rules on SANYO’s pending Motion to Dismiss Class Action Complaint and to Strike Class Allegations (“Motion to Dismiss”). In support of this Motion, the parties state as follows:

1. On December 19, 2012, the Court issued a Notice of Scheduling Conference setting an Initial Scheduling Conference for February 13, 2013 at 3:45 p.m. Eastern.
2. On January 25, 2013, SANYO filed its Motion to Dismiss.
3. Prior to the filing of the Motion to Dismiss, on January 17, 2013, counsel for Plaintiff and counsel for SANYO communicated regarding the scheduling and discovery issues addressed in Local Rule 16.1 and Federal Rule of Civil Procedure 26(f). Given SANYO’s stated intention to move to dismiss the Class Action Complaint in its entirety or alternatively to strike the class allegations in the Complaint, the parties agreed that it would be premature to propose a pretrial schedule or a plan for discovery until the parties knew what claims, if any, would

proceed and whether the case could proceed as a putative class action. Accordingly, in the interest of judicial economy and to avoid unnecessary costs, the parties request that the Court continue the obligations and deadlines required by Local Rule 16.1 and Federal Rule of Civil Procedure 26(f) until after it has resolved SANYO's Motion to Dismiss.

4. Specifically, the parties request that the Court continue: (1) the parties' obligation to meet and confer pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 16.1(B) until 14 days after the Court issues its decision on SANYO's Motion to Dismiss; and (2) the filing of the Joint Statement required by Local Rule 16.1(D) until 28 days after the Court issues its decision on SANYO's Motion to Dismiss.

5. If the Court grants the parties' request to continue the obligations under Federal Rule of Civil Procedure 26(f) and Local Rule 16.1 and finds that such a continuance obviates the need for the Initial Scheduling Conference set for February 13, 2013, then the parties also respectfully request that the Court continue the Initial Scheduling Conference until after it resolves the Motion to Dismiss and the parties have submitted the Joint Statement required by Local Rule 16.1(D).

WHEREFORE, the parties jointly request the Court to continue the obligations and deadlines required by Federal Rule of Civil Procedure 26(f) and Local Rule 16.1 until after it has issued its decision on SANYO's pending Motion to Dismiss.

Respectfully submitted,

JESSE SANTOS

SANYO Manufacturing Corporation

By his attorney:

By its attorneys:

/s/ Thomas P. Sobran

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Dated: January 25, 2013

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the NEF and paper copies will be sent to those indicated as non-registered participants on January 25, 2013.

/s/ Theodore J. Folkman

Theodore J. Folkman

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